IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3773 OF 2006

Santosh Babaji Chalke ..Petitioner.
Vs.
Conservator of Forest (Wild Life)
Kolhapur & Ors. ..Respondents.

...

Mr. Vinod Jadhav for the Petitioner.
Mr. Deepak Patil, AGP for the State.

...

CORAM: DR. D.Y. CHANDRACHUD, J.

13th July, 2006.

P.C. :

The Petitioner who worked as a driver in the Forest Department on a temporary basis was not appointed by following the regular procedure for selection in accordance with recruitment rules. Hence, the Industrial Court was justified in coming to the conclusion that directing the regularization of the services of the Petitioner, would amount to a back door entry. That apart, in pursuance of a regular selection process which has been initiated in pursuance of an advertisement, the Petitioner has applied. The claim of the Petitioner will be sympathetically considered having regard to the services which have already been rendered by him. The view taken by the Industrial Court is in accordance with the

judgment of the Supreme Court in **A. Umarani v. Registrar, Co-operative Societies**[1]. In the event that the Petitioner is otherwise suitable, the Petitioner will not be disqualified on the ground of age bar. The Industrial Court has also directed the department to maintain status quo in respect of the employment of the Petitioner until a regularly selected candidate is made available. No case for interference is made out. The Petition is dismissed.

1 (2004) 7 SCC 112.